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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-287

13 **KATARINA MICHELLE TRAVERSA**
446 Howie Court
Santa Paula, CA 93060

A C C U S A T I O N

14 Registered Nursing License No. 572054

15 Respondent.
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17 Ruth Ann Terry, M.P.H, R.N. (Complainant) alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board").

21 2. On or about September 19, 2000, the Board issued Registered Nursing
22 License Number 572054 to Katarina Michelle Traversa ("Respondent"). The registered nursing
23 license was in full force and effect at all times relevant to the charges brought herein and will
24 expire on October 31, 2010, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in
27 pertinent part, that the Board may discipline any licensee, including a licensee holding a

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1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811(b), the Board may renew an expired license at any time within eight years after the
7 expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse
10 or deny an application for a certificate or license for any of the following:

11 (a) Unprofessional conduct, which includes, but is not limited to, the
12 following:

13 (1) Incompetence, or gross negligence in carrying out usual certified or
14 licensed nursing functions.

15 (f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the
17 record of the conviction shall be conclusive evidence thereof.

18 6. Code section 2762 states, in pertinent part:

19 In addition to other acts constituting unprofessional conduct within the
20 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
21 for a person licensed under this chapter to do any of the following:

22 (a) Obtain or possess in violation of law, or prescribe, or except as
23 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
24 himself or herself, or furnish or administer to another, any controlled substance as
25 defined in Division 10 (commencing with Section 11000) of the Health and Safety
26 Code or any dangerous drug or dangerous device as defined in Section 4022.

27 (c) Be convicted of a criminal offense involving the prescription,
28 consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or
unintelligible entries in any hospital, patient, or other record pertaining to the
substances described in subdivision (a) of this section.

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1 7. Code section 4060 states, in pertinent part:

2 No person shall possess any controlled substances, except that furnished to
3 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
4 veterinarian, or naturopathic doctor....

5 8. Code section 4324, subdivision (a) states:

6 Every person who signs the name of another, or of a fictitious person, or
7 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as
8 genuine, any prescription for any drugs is guilty of forgery and upon conviction
9 thereof shall be punished by imprisonment in the state prison, or by imprisonment
10 in the county jail for not more than one year.

11 9. Health and Safety Code section 11173, subdivision (a) provides that no
12 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
13 the administration of or prescription for controlled substances, (1) by fraud, deceit,
14 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

15 REGULATORY PROVISIONS

16 10. California Code of Regulations, title 16, section ("Regulation") 1442
17 states:

18 As used in Section 2761 of the code, 'gross negligence' includes an
19 extreme departure from the standard of care which, under similar circumstances,
20 would have ordinarily been exercised by a competent registered nurse. Such an
21 extreme departure means the repeated failure to provide nursing care as required
22 or failure to provide care or to exercise ordinary precaution in a single situation
23 which the nurse knew, or should have known, could have jeopardized the client's
24 health or life.

25 11. California Code of Regulations, title 16, section ("Regulation") 1443
26 states:

27 As used in Section 2761 of the code, "incompetence" means the lack of
28 possession of or the failure to exercise that degree of learning, skill, care, and
experience ordinarily possessed and exercised by a competent registered nurse as
described in Section 1443.5.

29 COST RECOVERY

30 12. Code section 125.3 provides, in pertinent part, that the Board may request
31 the administrative law judge to direct a licensee found to have committed a violation or
32 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
33 and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 13. Respondent is subject to disciplinary action under Code section 2761(f), in
4 that on December 17, 2007, in the Superior Court of Ventura, California, in the matter entitled
5 *People vs. Katarina Michelle Traversa* (2007, Case No. 2007046741 M A), Respondent was
6 convicted on her plea of guilty of violating Business and Professions Code section 4324,
7 subdivision (a) (forged prescription), a misdemeanor. The circumstances of the crime are that on
8 or about November 20, 2007, Respondent signed the name of another, and of a fictitious person,
9 and falsely made, altered, forged, uttered, passed and attempted to pass as genuine, a prescription
10 for the controlled substance "Norco."

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Conviction of a Crime Involving a Controlled Substance)**

13 14. Respondent is subject to disciplinary action under Code section 2761(a),
14 on the grounds of unprofessional conduct, as defined in Code section 2762(c), in that
15 Respondent has been convicted of a crime involving the controlled substance Norco, as more
16 particularly set forth in paragraph 13, above.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Obtained and Possessed the Controlled Substance Demerol in Violation of Law)**

19 15. Respondent is subject to disciplinary action under Code section 2761(a),
20 on the grounds of unprofessional conduct as defined in Code section 2762(a), in that on or about
21 July 24, 2004, and July 25, 2004, while on duty as a registered nurse at Saint John's Medical
22 Center, Oxnard, California, Respondent committed the following acts:

23 a. Respondent obtained the controlled substance Demerol by fraud, deceit,
24 misrepresentation or subterfuge by taking the drug from hospital supplies in violation of Health
25 and Safety Code section 11173(a).

26 b. Respondent possessed the controlled substance Demerol in violation of
27 Code section 4060.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Inconsistent Entries in Hospital Records Regarding the Controlled Substance Demerol)**

3 16. Respondent is subject to disciplinary action under section 2761(a) on the
4 grounds of unprofessional conduct as defined in Code section 2762(e), in that while on duty as a
5 registered nurse at Saint John's Medical Center, Oxnard, California, Respondent made grossly
6 incorrect, inconsistent, or unintelligible entries in the following hospital and patient records:

7 **Patient T.G.**

8 a. On July 24, 2004, at 1057 hours, Respondent withdrew 50 mg of Demerol
9 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
10 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
11 in any patient or hospital record or otherwise account for the disposition of the drug.

12 b. On July 24, 2004, at 1230 hours, Respondent withdrew 50 mg of Demerol
13 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
14 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
15 in any patient or hospital record or otherwise account for the disposition of the drug.

16 c. On July 24, 2004, at 1446 hours, Respondent withdrew 50 mg of Demerol
17 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
18 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
19 in any patient or hospital record or otherwise account for the disposition of the drug.

20 d. On July 24, 2004, at 1557 hours, Respondent withdrew 50 mg of Demerol
21 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
22 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
23 in any patient or hospital record or otherwise account for the disposition of the drug.

24 e. On July 24, 2004, at 1709 hours, Respondent withdrew 50 mg of Demerol
25 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
26 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
27 in any patient or hospital record or otherwise account for the disposition of the drug.

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1 f. On July 25, 2004, at 0931 hours, Respondent withdrew 50 mg of Demerol
2 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
3 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
4 in any patient or hospital record or otherwise account for the disposition of the drug.

5 g. On July 25, 2004, at 1125 hours, Respondent withdrew 50 mg of Demerol
6 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
7 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
8 in any patient or hospital record or otherwise account for the disposition of the drug.

9 h. On July 25, 2004, at 1347 hours, Respondent withdrew 50 mg of Demerol
10 from the Pyxis System for this patient; however, this patient was not assigned to Respondent.
11 Further, Respondent failed to chart the administration or wastage of any portion of the Demerol
12 in any patient or hospital record or otherwise account for the disposition of the drug.

13 **Patient J.N.**

14 i. On July 24, 2004, at 1558 hours, Respondent withdrew 500 mg of
15 Demerol from the Pyxis System for this patient; however, this patient was not assigned to
16 Respondent. Further, Respondent failed to chart the administration or wastage of any portion of
17 the Demerol in any patient or hospital record or otherwise account for the disposition of the drug.

18 j. On July 24, 2004, at 1820 hours, Respondent withdrew 500 mg of
19 Demerol from the Pyxis System for this patient; however, this patient was not assigned to
20 Respondent. Further, Respondent failed to chart the administration or wastage of any portion of
21 the Demerol in any patient or hospital record or otherwise account for the disposition of the drug.

22 k. On July 25, 2004, at 0800 hours, Respondent withdrew 500 mg of
23 Demerol from the Pyxis System for this patient; however, this patient was not assigned to
24 Respondent. Further, Respondent failed to chart the administration or wastage of any portion of
25 the Demerol in any patient or hospital record or otherwise account for the disposition of the drug.

26 l. On July 25, 2004, at 1252 hours, Respondent withdrew 500 mg of
27 Demerol from the Pyxis System for this patient; however, this patient was not assigned to

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1 Respondent. Further, Respondent failed to chart the administration or wastage of any portion of
2 the Demerol in any patient or hospital record or otherwise account for the disposition of the drug.

3 m. On July 25, 2004, at 1352 hours, Respondent withdrew 500 mg of
4 Demerol from the Pyxis System for this patient; however, this patient was not assigned to
5 Respondent. Further, Respondent failed to chart the administration or wastage of any portion of
6 the Demerol in any patient or hospital record or otherwise account for the disposition of the drug.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Gross Negligence)**

9 17. Respondent is subject to disciplinary action under section 2761(a)(1) on
10 the grounds of unprofessional conduct, in that while on duty at Saint John's Medical Center,
11 Oxnard, California, Respondent committed acts constituting gross negligence as defined in
12 California Code of Regulations, title 16, section 1442. Respondent made excessive withdrawals
13 of the controlled substance Demerol and repeatedly failed to properly document the
14 administration and/or wastage of the Demerol in patient and/or hospital records, as more
15 particularly set forth in paragraph 16, above.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Incompetence)**

18 18. Respondent is subject to disciplinary action under section 2761(a)(1) on
19 the grounds of unprofessional conduct, in that while on duty as a registered nurse at Saint John's
20 Medical Center, Oxnard, California, Respondent committed acts constituting incompetence as
21 defined in California Code of Regulations, title 16, section 1443. Respondent made excessive
22 withdrawals of the controlled substance Demerol and repeatedly failed to properly document the
23 administration and/or wastage of the Demerol in patient and/or hospital records, as more
24 particularly set forth in paragraph 16, above.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct)**

27 19. Respondent is subject to disciplinary action under Code section 2761(a),
28 on the grounds of unprofessional conduct, as follows:

1 a. On or about May 2, 2006, Respondent was observed by numerous
2 coworkers while on duty as a registered nurse at Los Robles Medical Center to display an
3 unsteady gait, a sleepy appearance, and slurred speech. As part of the hospital's "Fitness for
4 Duty" examination, Respondent was requested to provide a urine specimen. In order to
5 circumvent the drug screening process, Respondent provided a sample that was nothing more
6 than 100% water.

7 b. On or about June 13, 2007, during Respondent's interview with a Division
8 of Investigation investigator, Respondent was again requested to provide a urine sample. While
9 observing Respondent provide the urine specimen, the investigator observed what appeared to be
10 a plastic baggie located inside one leg of Respondent's underwear. When questioned by the
11 investigator Respondent admitted that the baggie contained her 4 year old son's urine and that the
12 sample she provided the investigator contained the same.

13 c. As more particularly set forth in paragraphs 14 through 18, above.

14 **PRAYER**


15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nursing License Number 572054,
18 issued to Katarina Michelle Traversa;

19 2. Ordering Katarina Michelle Traversa to pay the Board of Registered
20 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code
21 section 125.3; and,

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 5/11/09

24 
25 RUTH ANN TERRY, M.P.H., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 State of California
Complainant